

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

The paragraph starting at page 2, line 19, of the Specification is amended to recite the Latin names of the species. Support for the amendments can be found from original claim 1. No new matter is added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 4, 6, 8-13 and 15-18 are amended. Claims 19-25 are added. Claims 1-3, 5, 7 and 14 are cancelled. Support for amendments and new claims can be found throughout the Specification, for example, on Page 5/Lines 1-9. No new matter is added.

After amending the claims as set forth above, claims 4, 6, 8-13, 15-25 are now pending in this application.

Claim Rejections under 35 U. S. C. § 112

Claims 4 and 6-18 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse.

Literal support for the Latin names can be found from original claim 1. Accordingly, the paragraph starting at Page 2 / Line 19 of the Specification is amended to recite the Latin names of the species disclosed in original claim 1.

Thus, Applicants respectfully request a withdrawal of the 112 rejections.

Claim Rejections under 35 U. S. C. § 102

Claims 4, 11, 12 and 18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Garlen et al. (U.S. 4,707,354, hereinafter “Garlen”). Applicants respectfully traverse.

Claim 4 recites “the at least one active ingredient effective for inhibiting photoaging being selected from a group of crude drugs consisting of ... and silk (*Bombyx mori* Linnaeus) extract.

Garlen teaches a formulation comprising less than 1 wt% silk powder. Garlen does not explicitly teach how to obtain the silk powder. However, as well known in the art, silk powder and silk extract are different kinds of silk derivatives. Applicants respectfully submit that “silk powder” of Garlen neither reads on “silk extract” recited in claim 4, nor renders the same obvious.

Furthermore, in Garlen, the silk powder is merely an auxiliary component, rather than an active ingredient effective for inhibiting photoaging, as recited in claim 4. The structure of the present claim requires a teaching of the use recited in the method claim with the particular articles in patient recited before anticipation may be found. *See Jansen v. Rexall Sundown, Inc.*, 342 F. 3d 1329 (Fed. Cir. 2003).

Independent claim 12 recites “the at least one active ingredient effective for inhibiting wrinkles cause by photoaging being selected from crude drugs consisting of ... and silk (*Bombyx mori* Linnaeus) extract, and thus are patentable for at least the same reasons. Claim 11 depends from claim 4, claim 18 depends from claim 12, and thus are patentable for at least the same reasons.

Thus, Applicant respectfully request a withdrawal of the 102 rejection in view of the above reasons and amendments.

Claim Rejections under 35 U. S. C. § 103

Claims 4, 7, 8, 11, 14 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sei et al. (S, JP 2002/128651 A, hereinafter “Sei”), in view of Andre-Jean Brin et al. (T, JP 07-145067 A, hereinafter “Andre-Jean”).

Claim 4 recites “a composition comprising at least one active ingredient effective for inhibiting photoaging, the at least one active ingredient effective for inhibiting photoaging being selected from a group of crude drugs consisting of da zao (*Zizyphus jujuba* Miller var. *inermis*

Rehder) extract, roman chamomile (*Anthemis nobilis* Linne) extract, coicis semen (*Coix lacryma-jobi* Linne var. ma-yuen Stapf) extract, and silk (*Bombyx mori* Linnaeus) extract.

Sei discloses roman chamomile and coicis semen. However, both are merely auxiliary components of the composition, rather than active ingredients effective in treating or prevent skin from photoaging. Specifically, roman chamomile is an anti-inflammatory ingredient and coicis semen is a whitening agent. (Sei, Paragraph 12 and 37)

Further, none of Sei, Andre-Jean and Garlen teach da zao (*Zizyphus jujuba* Miller var. inermis Rehder) extract or silk (*Bombyx mori* Linnaeus) extract.

Thus, none of Sei, Andre-Jean and Garlen teach any of active ingredients effective for inhibiting photoaging selected from crude drugs consisting of da zao (*Zizyphus jujuba* Miller var. inermis Rehder) extract, roman chamomile (*Anthemis nobilis* Linne) extract, coicis semen (*Coix lacryma-jobi* Linne var. ma-yuen Stapf) extract, and silk (*Bombyx mori* Linnaeus) extract.

Independent claim 12 recites “the at least one active ingredient effective for inhibiting wrinkles cause by photoaging being selected from a group of crude drugs consisting of da zao (*Zizyphus jujuba* Miller var. inermis Rehder) extract, roman chamomile (*Anthemis nobilis* Linne) extract, coicis semen (*Coix lacryma-jobi* Linne var. ma-yuen Stapf) extract, and silk (*Bombyx mori* Linnaeus) extract, and thus are patentable for at least the same reasons.

Claims 7-8 and 11 depend from claim 4, claims 14-15 depend from claim 12, and thus are patentable for at least the same reasons.

Thus, Applicant respectfully request a withdrawal of the 103 rejection in view of the above reasons and amendments.

New claims

Claim 19 recites “a method for inhibiting angiogenesis in a subject in need thereof, comprising the step of applying onto the skin a composition, the composition comprising chlorella extract.” Applicant respectfully submit that none of Sei, Andre-Jean and Garlen teach the above recited feature of claim 19.

Claims 20-24 depend from claim 19, and thus are patentable at least on the same basis. In addition, claims 20-24 further recite da zao extract (claim 20), silk extract (claim 21) ginseng extract (claim 22), roman chamomile extract (claim 23), and coicis semen extract (claim 24), respectively. Applicants respectfully submit that none of Sei, Andre-Jean and Garlen discloses da zao extract, thus claim 20 is patentable for at least this additional reason. As explained above, none of Sei, Andre-Jean and Garlen discloses silk extract, thus claim 21 is patentable for at least this additional reason. Also, none of Sei, Andre-Jean and Garlen discloses using ginseng extract (claim 22), roman chamomile extract (claim 23), and coicis semen extract (claim 24) for inhibiting angiogenesis, thus claims 22-24 is patentable for at least this additional reason. Claim 25 depends from claim 19 and further recites the amount of chlorella extract in the composition. Claim 25 is patentable for at least the same reasons as claim 19.

For at least the above reasons, Applicants respectfully submit that newly added claims 19-25 are non-obvious over Sei, Andre-Jean and Garlen.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith,

Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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